

**RULES  
OF  
TENNESSEE BOARD OF VETERINARY MEDICAL EXAMINERS**

**CHAPTER 1730-2  
GENERAL RULES GOVERNING VETERINARY FACILITIES**

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**1730-2-.01 DEFINITIONS.** As used in these rules, the terms and acronyms shall have the following meanings ascribed to them.

- (1) Advertisement - Information communicated to the public in any manner designed to attract public attention to the practice of veterinarians or facilities licensed in Tennessee.
- (2) Advertising - Includes, but is not limited to business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on any building; or in any newspaper, magazine, directory, or other printed matter. Advertising also includes business solicitations communicated by individual{s}, radio, video, or television broadcasting or any other means designed to secure public attention.
- (3) Applicant - Any individual seeking licensure by the Board who has submitted an official application and paid the application fee.
- (4) Bait and Switch Advertising - An alluring but insincere offer to sell a product or service which the advertiser in truth does not intend or want to sell. Its purpose is to switch consumers from buying the advertised service or merchandise, in order to sell something else, usually for a higher fee or on a basis more advantageous to the advertiser.
- (5) Board - The Tennessee Board of Veterinary Medical Examiners.
- (6) Board Administrative Office - The office of the administrator assigned to the Tennessee Board of Veterinary Medical Examiners located at 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243.
- (7) Closed File - An administrative action which renders an incomplete or denied file inactive.
- (8) Conspicuous Place - A place easily viewable by the public.
- (9) Department - Tennessee Department of Health.

(Rule 1730-2-.01, continued)

- (10) “Discounted Fee” - A fee offered or charged by a person or organization for any veterinary product or service that is less than the fee usually offered or charged for the product or service. Products or services expressly offered free of charge shall not be deemed to be offered at a “discounted fee”.
- (11) Division - The Tennessee Department of Health, Division of Health Related Boards, from which the Board receives administrative support.
- (12) He/she, Him/her - When “he/him” appears in the text of these rules, the word represents both the feminine and masculine genders.
- (13) House Call - A scheduled visit for the purpose of providing veterinary services to an individual client outside of a veterinary facility at the client’s residence, business, or property. A veterinarian who conducts a house call shall have a permanent base of operations with a published address and telephone facilities for making appointments or responding to emergency situations;
- (14) HRB - When the acronym “HRB” appears in the text of these rules, it represents Health Related Boards.
- (15) License - Document issued to an applicant who successfully completes the licensure process. The license takes the form of an “artistically designed” document as well as other versions bearing an expiration date.
- (16) Licensee - Any person who has been lawfully issued a license to practice veterinary medicine or as a veterinary medical technician in the State of Tennessee or any licensed facility where veterinary medicine is practiced.
- (17) Practitioner - Refers to a Tennessee licensed Veterinarian.
- (18) Premises - Any veterinary facility where a licensed veterinarian practices or where the practice of veterinary medicine occurs.
- (19) Premises Owner - Any person, corporation or other similar organization, public or private, for-profit or not-for-profit, who owns a facility where a licensed veterinarian practices or where the practice of veterinary medicine occurs.
- (20) Premises Permit - A permit issued by the board to operate a veterinary medical facility when the premises meet minimum standards established by the Board.
- (21) Public Rabies Vaccination Clinic - A clinic sponsored by a local health department to provide vaccination of dogs and cats against rabies, pursuant to the local health department’s established ordinances and regulations.
- (22) Retail Establishment - Any retail store in excess of two thousand five hundred (2,500) square feet that primarily sells goods not related to the practice of veterinary medicine, or any veterinary facility located in an enclosed shopping mall or enclosed shopping center.
- (23) Supervising Veterinarian - A person who is validly and currently licensed to practice veterinary medicine in the state, who shall be accountable to the board for the facility’s compliance with the laws and rules governing the practice of veterinary medicine in this state, and/or has direct responsibility for the direct supervision of a temporary license.
- (24) “Surgery” means:
  - (a) Aseptic Surgery - surgery performed in ways or by means sufficiently free from micro-organisms so that significant infection or suppuration does not occur.

(Rule 1730-2-.01, continued)

- (b) Major Surgery - any surgical intervention that penetrates and exposes the body cavity and/or any procedure associated with extensive transection or dissection of tissue.
- (25) Use of a title or description - To hold himself out to the public as having a particular status by means of stating on signs, mailboxes, address plates, stationery, announcements, business cards, or other means of professional identification.
- (26) “Veterinary Facility” means:
  - (a) Animal Medical Center - Any veterinary or animal medical center means a facility in which consultative, clinical and hospital services are rendered and in which a large staff of basic and applied veterinary scientists perform significant research and conduct advanced professional educational programs;
  - (b) Clinics - A veterinary or animal clinic means a facility in which the practice conducted is essentially an out-patient type of practice;
  - (c) Hospital - A veterinary or animal hospital means a facility in which the practice conducted includes the confinement, as well as the treatment, of patients;
  - (d) Mobile Facility - A practice conducted from a vehicle with special medical or surgical facilities or from a vehicle suitable only for making house or farm calls. Regardless of mode of transportation, such practice shall have a permanent base of operations with a published address and telephone facilities for making appointments or responding to emergency situations;
  - (e) Office - A veterinary facility where a limited or consultative practice is conducted and which provides no facilities for the housing of patients; and any establishment either unincorporated or a corporation or other similar organization, public or private, for-profit or not-for-profit, where a licensed veterinarian practices or where the practice of veterinary medicine occurs; and
- (27) “Veterinary Practice” means:
  - (a) Large Animal Practice - a practice in which ninety percent (90%) or more of the animals seen/treated are equine, farm animal, or any other animals deemed as “large animal” by the Board of Veterinary Medical Examiners.
  - (b) Small Animal Practice - a practice in which ninety percent (90%) or more of the animals seen/treated are companion animals or any other animals deemed as “small animal” by the Board of Veterinary Medical Examiners.
  - (c) Mixed Animal Practice - a practice in which both large and small animals are seen/treated and the percentage of animals seen/treated exceeds ten percent (10%) for both types of animals.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-1-101, 63-1-116, 63-12-101 et. seq., 63-12-103, 63-12-104, 63-12-105, 63-12-106, 63-12-110, 63-12-112, 63-12-113, 63-12-121, 63-12-129, 63-12-139, and 68-8-103. **Administrative History:** Original rule filed May 30, 1980; effective August 27, 1980. Amendment filed July 10, 1989; effective August 24, 1989. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Repeal and new rule filed June 10, 1999; effective August 24, 1999. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed October 18, 2004; effective January 1, 2005.

**1730-2-.02 VETERINARY FACILITY INSPECTIONS AND PREMISES PERMIT.** The costs of any inspection undertaken by the board shall be set by the board and paid, in advance, by the applicant in addition to the fee established by the board for the premises permit.

(Rule 1730-2-.02, continued)

- (1) The board shall be authorized to employ such persons who may be required in its discretion to inspect premises under the jurisdiction of the board. The board shall establish a fee schedule for inspections required under this chapter. Applicants for a premises permit shall remit to the board an application fee which shall be equal to the license fee required of licensed veterinarians. Licensed veterinarians or applicants for licensure as a veterinarian shall not be required to submit an additional fee for a premises permit but shall be required to submit the required inspection fee if such licensed veterinarian or applicant also submits an application for a premises permit.
- (2) The board shall make inspections of veterinary premises once every two (2) years. Inspections shall be done by licensed veterinarian(s) representing the board.
- (3) Upon request by the inspector, all veterinarians and veterinary medical technicians working at the site shall provide for inspection evidence of having completed continuing education pursuant to Rule 1730-1-.12 and Rule 1730-3-.12.
- (4) For the purpose of these rules, the written records shall be “owned” by the facility.
- (5) Any facility, permanent or mobile, where a licensed veterinarian practices must have a premises permit issued by the board. Upon application and payment of fees as set by rule of the board, the board shall cause such facility to be inspected, with re-inspections as necessary. A premises permit shall be issued if the facility meets minimum standards including, but not limited to sanitary conditions, recordkeeping, physical plant and equipment, method of operation, services required, and surgical area.
- (6) Each application for a premises permit shall set forth the name of the licensed veterinarian who will be responsible for the management of the facility and the name and address of the owners of the establishment.
- (7) The premises permit may be revoked, suspended, or denied when the inspection reveals that the facility does not meet the standards set by rule or when the license/premises permit of the responsible veterinarian has been suspended or revoked.
- (8) Each person to whom a license or premises permit is issued shall keep such document conspicuously displayed in his office, place of business, or place of employment, whether a permanent or mobile veterinary facility or clinic, and shall, whenever required, exhibit said document to any member or authorized representative of the board, pursuant to T.C.A. §§63-12-139.
- (9) The following are exempt from obtaining a premises permit:
  - (a) A veterinary facility owned by a person, corporation or other similar organization, public or private, for-profit, or not for profit, to treat such employer’s animal(s);
  - (b) A veterinary facility operated by an official agency of the federal or state government; and
  - (c) A licensed research facility.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-1-109, 63-2-101, 63-12-101 *et. seq.*, 63-12-106, 63-12-124, 63-12-129, and 63-12-139. **Administrative History:** Original rule filed May 30, 1980; effective August 27, 1980. Amendment filed July 10, 1989; effective August 24, 1989. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Repeal and new rule filed June 10, 1999; effective August 24, 1999. Amendments filed November 2, 2005; effective January 16, 2006.

### **1730-2-.03 VETERINARY FACILITY INSPECTIONS TO OBTAIN A PREMISES PERMIT.**

- (1) The Board must be notified, in writing, at least 60 days prior to the opening of veterinary facility.

(Rule 1730-2-.03, continued)

- (2) All areas of the premises shall be maintained in a sanitary, clean, orderly condition, and free of objectionable odors, at all times.
- (3) The minimum standards for all facilities, permanent or mobile, where veterinary medicine is practiced shall be:
  - (a) Heating and cooling shall be provided for the comfort of the animals and the facility shall have sufficient ventilation in all areas.
  - (b) Proper lighting shall be provided in all rooms utilized for the practice of veterinary medicine.
  - (c) Hot and cold running water shall be provided along with toilets and lavatories for the personnel and clients.
  - (d) All premises shall have sanitary storage which is adequate for the size of the facility.
  - (e) The facility shall have receptacles for waste disposal which shall comply with state, county, and municipal health laws, ordinances and regulations.
  - (f) Disposal of dead animals and waste
    - 1. Veterinary facilities shall dispose of dead animals, biological waste, and medical waste (including sharps) in a prompt, sanitary, and aesthetic manner.
    - 2. The disposal of dead animals, biological waste, and medical waste (including sharps) shall comply with all federal, state, county and municipal laws, ordinances, and regulations.
    - 3. With the exception of large animals, all dead animals on the premises shall be refrigerated.
    - 4. Dead animals not claimed within forty-eight (48) hours by the owner or agent shall be disposed at the discretion of the veterinarian.
  - (g) The facility's examination rooms shall have the following:
    - 1. Lined waste receptacles or chutes;
    - 2. A sink with disposable towels must be readily accessible; and
    - 3. A table with impervious surface which shall be sanitized between patients.
  - (h) Cages, exercise areas, pens, and stalls are to be kept in a clean and orderly condition, in a well-lighted area, and in good repair to prevent injury to animals and to promote physical comfort.
  - (i) Small animals housed outside must have adequate shelter and bedding if the temperature drops below fifty degrees (50°) Fahrenheit and sufficient cooling or shade if the temperature rises above eighty-five degrees (85°) Fahrenheit.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-12-101 et. seq., 63-12-103, 63-12-106, 63-12-124, 63-12-129, and 63-12-139. **Administrative History:** Original rule filed May 30, 1980; effective August 27, 1980. Amendment filed July 10, 1989; effective August 24, 1989. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Repeal and new rule filed June 10, 1999; effective August 24, 1999. Amendment filed September 12, 2001; effective

(Rule 1730-2-.03, continued)

*November 26, 2001. Amendment filed May 26, 2004; effective August 9, 2004. Amendment filed June 24, 2004; effective September 7, 2004.*

**1730-2-.04 RECORDKEEPING.**

- (1) The following minimum standards apply to all patient recordkeeping.
  - (a) Records shall be maintained for a minimum of three (3) years.
  - (b) A separate log shall be maintained for all controlled substances.
  - (c) Records shall reflect referral of cases where further expertise or equipment is needed.
  - (d) A veterinarian shall comply in a reasonable manner under the circumstances to any requests for veterinary records or summaries thereof, within the provisions of the Tennessee Veterinary Practice Act.
  - (e) Any record containing information required by this rule shall be considered a medical record.
- (2) Medical records for small animal facilities/practices shall be clear, legible, retrievable and contain pertinent information such as:
  - (a) Name, address, and phone number of the owner/agent.
  - (b) Identification of patient including name, species, breed, age, sex, and description.
  - (c) Separate record for each patient. This record may be in a group of records for the owner/agent.
  - (d) Patient's vaccination, medical and surgical history and procedures.
- (3) Medical records for large animal facilities/practices shall be clear, legible, retrievable, and maintained on either a herd (flock) or individual basis and contain:
  - (a) Name and initials, business/farm name, address, and phone number of the owner/agent.
  - (b) Identification of any animals suspected of having a reportable disease or other disease with public health implications.
  - (c) Relevant medical and surgical procedures, including vaccinations given and lab reports, to the individual, group, or herd.
  - (d) A record of all drugs administered or dispensed, including quantity and withdrawal times.
- (4) Radiographs are considered to be a part of the client's records.
- (5) A client's records shall not be used to fill a prescription or to have a prescription dispensed.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-2-101, 63-2-102, 63-12-105, 63-12-106, and 63-12-139. **Administrative History:** Original rule filed May 30, 1980; effective August 27, 1980. Amendment filed July 10, 1989; effective August 24, 1989. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Repeal and new rule filed June 10, 1999; effective August 24, 1999. Amendment filed September 12, 2001; effective November 26, 2001. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed May 26, 2004; effective August 9, 2004. Amendment filed June 24, 2004; effective September 7, 2004.

**1730-2-.05 PRESCRIBING, DISPENSING, OR OTHERWISE DISTRIBUTING PHARMACEUTICALS.**

(Rule 1730-2-.05, continued)

- (1) Veterinarians who dispense pharmaceuticals must comply with the following minimum standards for drug procedures:
  - (a) All Federal Regulations for the dispensing of controlled substances.
  - (b) Except for labeled manufactured drugs with proper instructions, all non-controlled drugs are to be dispensed in an appropriate container labeled with at least, the following:
    1. Animal's name and the name of the animal's owner.
    2. Date dispensed.
    3. Complete directions for usage.
    4. The facility's name, address, and phone number.
    5. The name, strength, and amount of the medication.
    6. The statement: "For Veterinary Use Only".
    7. The dispensing veterinarian's name.
  - (c) A record of all drugs administered or dispensed shall be kept in the client's record. In the case of companion animals, this record shall be by individual animal.
  - (d) Distribution of Veterinary Prescription Drugs.
    1. Distribution of veterinary prescription drugs to laymen shall occur only on the prescription of a licensed Veterinarian or on the order of another licensed Veterinarian. The prescriptions shall be issued in the course of his or her professional practice, with a veterinarian-client-patient relationship existing.
    2. A proper veterinarian-client-patient relationship is defined as existing when:
      - (i) The veterinarian has assumed responsibility for making medical judgments regarding the health of the animal(s) and the need for medical treatment, and the client (owner or other caretaker) has agreed to follow the instructions of the veterinarian; and when
      - (ii) There is sufficient knowledge of the animal(s) by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal(s). This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal(s) by virtue of an examination of the animal(s), and/or by medically appropriate and timely visits to the premises where the animal(s) are kept; and when
      - (iii) The practicing veterinarian is readily available for follow-up in case of adverse reactions or failure of the regimen of therapy.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-12-101 *et. seq.*, 63-12-106, and 63-12-124. **Administrative History:** Original rule filed May 30, 1980; effective August 27, 1980. Amendment filed July 10, 1989; effective August 24, 1989. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Repeal and new rule filed June 10, 1999; effective August 24, 1999.

**1730-2-.06 FEES.**

- (1) The fees are as follows:
- (a) Premises Application Fee - A non-refundable fee to be paid by the owner of the facility seeking a premises permit. It must be paid each time an application for a premises permit is filed.
  - (b) Initial Inspection/Biennial Inspection Fee - A non-refundable fee to be paid at time of application for premises permit and every two years at time of renewal.
  - (c) Premises Permit Fee - A non-refundable fee to be paid at time of application by a facility owned by a non-veterinarian.
  - (d) State Regulatory Fee - To be paid by all facilities owners at the time of application and renewal application.
  - (e) Premises Permit Renewal Fee - A non-refundable fee to be paid by all applicants for renewal of a Premises Permit.
  - (f) Late Renewal Fee - A non-refundable fee to be paid when a facility owner fails to timely renew a premises permit.
  - (g) Reinspection Fee (follow-up) - A non-refundable fee to be paid when a facility does not pass the initial inspection or the biennial inspection.
- (2) All fees shall be established by the Board. Fees may be reviewed and changed at the discretion of the Board.
- (3) Fee Schedule:
- |  | Amount              |
|--|---------------------|
| (a) Premises Application                   | \$ 25.00            |
| (b) Initial Inspection/Biennial Inspection | \$200.00            |
| (c) Premises Permit                        | \$360.00            |
| (d) State Regulatory Fee                   | \$ 10.00 (biennial) |
| (e) Premises Permit Renewal                | \$160.00 (biennial) |
| (f) Late Renewal                           | \$ 80.00            |
| (g) Reinspection Fee(follow-up)            | \$150.00            |
- (4) All fees may be paid in person, by mail or electronically by cash, check, money order, or by credit and/or debit cards accepted by the Division of Health Related Boards. If the fees are paid by certified, personal or corporate check they must be drawn against an account in a United States Bank, and made payable to the Tennessee Board of Veterinary Medical Examiners.

**Authority:** T.C.A. §§4-3-1011, 4-5-202, 4-5-204, 63-12-101 et. seq., 63-12-106, 63-12-124, 63-12-129, and 63-12-139. **Administrative History:** Original rule filed July 10, 1989; effective August 24, 1989. Repeal and new rule filed April 28, 1995; effective July 12, 1995. Repeal and new rule filed June 10, 1999; effective August 24, 1999. Amendment filed August 18, 2003; effective November 1, 2003. Amendment filed January 6, 2004; effective March 21, 2004.



**1730-2-.07 MOBILE FACILITY/SATELLITE VETERINARY CLINICS/EMERGENCY HOSPITALS/HOUSE CALLS.**

- (1) If complete veterinary medical services are not offered, the public shall be so informed of the limitation of services by way of a posted notice, in plain view, which clearly specifies those veterinary medical services which are not available.
- (2) The minimum health and sanitary regulations applying to all veterinary premises shall apply equally to the facilities covered by this Rule.
- (3) If emergency or any other veterinary medical services are not available, the veterinarians must have a written agreement with a clinic or hospital for the provision of emergency services or any other non-provided services. Additionally, the name and address of the clinic or hospital offering emergency services shall be posted in a conspicuous place.
- (4) If hospitalization, laboratory services, or radiology are not available, veterinarians must have a written agreement with a clinic or hospital for the provision of these services.
- (5) This does not preclude veterinarians from offering emergency services on an "on call" basis, nor does this preclude veterinarians from participating in the operation of public rabies vaccination clinics. Only public rabies vaccination clinics and mobile facilities may provide veterinary services in scheduled visits to multiple clients at transitory locations.
- (6) Any practitioner who provides veterinary services on a house-call basis and does not maintain a veterinary facility for the receipt of patients shall not be required to secure a premises permit, but must provide for appropriate equipment and facilities.
- (7) Any practitioner who provides veterinary services solely to agricultural animals and does not maintain a veterinary facility for the receipt of patients shall not be required to obtain a premises permit, but must provide for appropriate equipment and facilities.
- (8) Mobile large and small animal veterinary facilities operating in more than one (1) location and examining and/or treating animals belonging to multiple clients whose animals are not permanently housed or boarded at that location(s) shall have a premises permit for the mobile facilities that are utilized. Such mobile facilities shall also specify the locations at which such mobile facilities will operate. Such information shall be considered as part of the application for a premises permit. Any change in the locations at which the mobile facilities will operate shall be reported to the board at least thirty (30) days in advance of the effective date of the change.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-12-101 et. seq., 63-12-103, 63-12-106, 63-12-124, 63-12-129, and 63-12-139. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Repeal and new rule filed June 10, 1999; effective August 24, 1999. Amendment filed May 26, 2004; effective August 9, 2004. Amendment filed October 18, 2004; effective January 1, 2005.

**1730-2-.08 SMALL ANIMAL SURGERY.**

- (1) Small animal surgery shall be performed in a manner compatible with current veterinary medical practice with regard to anesthesia, asepsis, life support and monitoring procedures as well as recovery care. The standards for current veterinary practice are made available to the licensee through the courses required for mandatory continuing education.
- (2) Small animal surgery shall be performed in a room designated and reserved for surgery. The minimum standards for small animal surgery shall be:

(Rule 1730-2-.08, continued)

- (a) The surgery room shall be completely and totally enclosed, and shall have four (4) walls, a ceiling, and a solid door or partition that extends to the ceiling.
- (b) Sterilization must include steam pressure sterilization or autoclave. Gas sterilization is acceptable. Cold sterilization may be used for specialty items.
- (c) Instruments and equipment utilized in surgery shall be commensurate with the type of surgical service being provided.
- (d) Emergency drugs must be readily available to the surgery area.
- (e) The operating table shall be constructed of a smooth and impervious material.
- (f) There shall be a separate preparation area.
- (g) There shall be available for surgery sterilized instruments, gowns, towels, drapes, gloves, caps, and surgically appropriate scrub brushes and masks.
- (h) The surgery room shall be equipped with emergency lighting.
- (i) Surgeries shall be carried out using aseptic techniques appropriate for the procedure.
- (j) Safe and effective anesthesia shall be used appropriately for the surgical procedure being performed.
  - 1. There shall be a preanesthesia examination for all patients undergoing general anesthesia when possible.
  - 2. Positive pressure ventilation with oxygen shall be available.
  - 3. Endotracheal intubation shall be available.
  - 4. A gas scavenger shall be used with the gas anesthesia machines.
  - 5. A monitoring device shall be available.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-12-106, 63-12-129, and 63-12-139. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Repeal and new rule filed June 10, 1999; effective August 24, 1999. Amendment filed September 12, 2001; effective November 26, 2001. Amendment filed August 18, 2003; effective November 1, 2003. Amendment filed June 24, 2004; effective September 7, 2004. Amendment filed November 2, 2005; effective January 16, 2006.

#### **1730-2-.09 LABORATORY SERVICES.**

- (1) The facilities shall have the capability for use of either in-house or consultant laboratory service for blood chemistry, cultures and antibiotic sensitivity testing, complete blood counts, histopathological examinations and necropsies. The in-house laboratory facility shall meet the following minimum standards:
  - (a) The laboratory room shall be clean and orderly with provision made for ample storage;
  - (b) Adequate refrigeration shall be provided;
  - (c) All facilities must have a minimum, in-house capability of the conduct of:

(Rule 1730-2-.09, continued)

1. Urine tests,
2. Micro-hematocrit determination,
3. Flotation tests for ova of internal parasites,
4. Skin scraping for external parasite diagnosis, and
5. Exams for diagnosing heartworm disease.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-2-101, 63-2-102, 63-12-101 et. seq., 63-12-103, 63-12-106, 63-12-124, and 63-12-129. **Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Repeal and new rule filed June 10, 1999; effective August 24, 1999. Amendment filed September 12, 2001; effective November 26, 2001.

**1730-2-.10 RADIOLOGY.** The following minimum standards apply to radiology:

- (1) Either in-house or consultant services for obtaining diagnostic quality radiographs will be provided.
- (2) Radiology equipment and use shall be in accordance with federal and state statutes and regulations.
- (3) All radiographic devices must meet the requirements of the Division of Radiological Health of the Department of Environment and Conservation.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-12-106, 63-12-124, and 63-12-139. **Administrative History:** Original rule filed June 10, 1999; effective August 24, 1999. Amendment filed September 12, 2001; effective November 26, 2001. Amendment filed May 26, 2004; effective August 9, 2004.

**1730-2-.11 REPEALED.**

**Authority:** T.C.A. §§4-5-202, 4-5-204, and 63-12-106. **Administrative History:** Original rule filed June 10, 1999; effective August 24, 1999. Amendment filed September 12, 2001; effective November 26, 2001. Repeal filed May 26, 2004; effective August 9, 2004.

**1730-2-.12 RENEWAL OF PREMISES PERMIT/REINSTATEMENT OF EXPIRED PREMISES PERMIT.**

- (1) The due date for renewal is the expiration date on the most current facility premises permit/renewal permit.
- (2) A renewal application form will be mailed to each facility registered with the Board to the last address provided to the Board. Failure to receive such notification does not relieve the facility of the responsibility of timely meeting all requirements for renewal.
- (3) To be eligible for renewal, a facility must have all of the following items completed and submitted to the Division of Health Related Boards on or before the expiration date:
  - (a) A completed Board renewal application form;
  - (b) The renewal and state regulatory fees as provided in Rule 1730-2-.06; and
  - (c) Compliance with renewal inspection as provided in Rule 1730-2-.02.

(Rule 1730-2-.12, continued)

- (4) Any facility submitting a renewal form or letter which is found to be untrue may be subjecting the supervising veterinarian to disciplinary action as provided in rule 1730-2-.15.
- (5) Facilities that fail to comply with the renewal rules or notification received by them concerning failure to timely renew shall have their premises permits processed in accordance with rule 1200-10-1-.10.
- (6) Reinstatement of an Expired Premises Permit
  - (a) Reinstatement of a premises permit that has expired may be accomplished upon meeting the following conditions:
    - 1. Payment of all past due renewal and state regulatory fees; and
    - 2. Payment of the late renewal fee provided in Rule 1730-2-.06; and
    - 3. Compliance with inspection as provided in Rule 1730-2-.02.
  - (b) Reinstatement decisions pursuant to this rule may be made administratively or reviewed by the Board.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-1-107, 63-12-105, 63-12-106, 63-12-121, and 63-12-139.  
**Administrative History:** Original rule filed June 25, 2003; effective September 8, 2003.

**1730-2-.13 UNPROFESSIONAL CONDUCT OF A PREMISES OWNER AND/OR VETERINARIAN.**  
Unprofessional conduct shall include but not be limited to the following:

- (1) Failure to maintain a record for each companion animal which accurately reflects the veterinary problems and interventions.
- (2) Being under the influence of alcoholic beverages, or under the influence of illegal drugs which impair judgment while on duty in any animal health care facility, institution or other work place location.
- (3) Impersonating another licensed practitioner.
- (4) Practicing veterinary medicine in this state on an expired, retired, suspended, or revoked license or beyond the period of a valid temporary license.
- (5) Failure to supervise persons to whom veterinary functions are delegated or assigned.
- (6) Revealing without written permission, knowledge obtained in a professional capacity about animals or owners. Exceptions:
  - (a) When said information is requested during a formal investigation by representatives of the State of Tennessee or other law enforcement agencies;
  - (b) Or when required to do so pursuant to any action in a court of law; or
  - (c) Where required by law to report to state or federal agencies.
- (7) Failing to cooperate with authorities investigating incompetent, unethical or illegal practice of another veterinarian, a veterinary medical technician, or operation of a veterinary facility.
- (8) Performing veterinary techniques or procedures without proper education.
- (9) Engaging in acts of dishonesty which relate to the practice of veterinary medicine.

(Rule 1730-2-.13, continued)

- (10) Treating or professing to treat, or issuing any pharmaceutical to, any human.
- (11) Practice in a facility without a premises permit.
- (12) Practicing veterinary medicine in a setting not specifically authorized or designated by T.C.A. §63-12-103 or rule 1730-2-.01.
- (13) Submission of an untrue veterinary facility renewal form or letter in conjunction with such renewal.
- (14) Any violation of T.C.A. §63-12-124.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-1-117, 63-12-102, 63-12-103, 63-12-106, 63-12-112, 63-12-119, 63-12-121, 63-12-124, 63-12-137, 63-12-139, and 63-12-140. **Administrative History:** Original rule filed June 10, 1999; effective August 24, 1999. Amendment filed September 12, 2001; effective November 26, 2001. Amendment filed May 26, 2004; effective August 9, 2004. Amendment filed October 18, 2004; effective January 1, 2005.

#### **1730-2-.14 EXAMINATION AND TREATMENT AREAS.**

- (1) Small Animal – The examination and treatment areas can be in the same room and:
  - (a) The areas shall be clean, orderly, and well lit.
  - (b) Surfaces shall be constructed of material easily cleaned and disinfected.
  - (c) The waste receptacles shall be covered or concealed.
  - (d) The areas shall be of ample size for proper functions.
  - (e) A sink with disposable towels shall be readily accessible.
- (2) Large Animal - Examination and Treatment Areas
  - (a) The areas shall be of ample size for proper function and shall be clean and orderly and well lit.
  - (b) The waste receptacles shall be covered.
  - (c) Loading and restraint facilities shall be adequate for the type of practice.
  - (d) There shall be adequate floor drainage.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-12-105, 63-12-106, 63-12-129, and 63-12-139. **Administrative History:** Original rule filed June 25, 2003; effective September 8, 2003. Amendment filed June 24, 2004; effective September 7, 2004.

#### **1730-2-.15 DISCIPLINARY ACTIONS, CIVIL PENALTIES, ASSESSMENT OF COSTS, AND SCREENING PANELS.**

- (1) Purpose - The purpose of this rule is to set out a schedule designating the minimum and maximum civil penalties which may be assessed.
- (2) Upon a finding by the Board that a veterinarian and/or premises owner has violated any provision of the Tennessee Veterinary Medical Practice Act (T.C.A. §§63-12-101 et seq.) or the rules promulgated thereto, the Board may impose any of the following actions separately or in any combination, deemed appropriate to the offense:

(Rule 1730-2-.15, continued)

- (a) Advisory Censure - This is a written action issued to the veterinarian and/or premises owner for minor or near infractions. It is informal and advisory in nature and does not constitute a formal disciplinary action.
- (b) Formal censure or reprimand - This is a written action issued to a veterinarian and/or premises owner for one time and less severe violations. It is a formal disciplinary action.
- (c) Probation - This is a formal disciplinary action which places a veterinarian and/or premises owner on close scrutiny for a fixed period of time. This action may be combined with any other formal disciplinary action and include conditions which must be met before probation will be lifted and/or which restrict or condition the licensee's activities during the probationary period.
- (d) Suspension - This is a formal disciplinary action which suspends a licensee's right to practice and/or premises owner to operate for a fixed period of time. It contemplates the reentry of the licensee into the practice and/or operation under the premises permit previously issued.
- (e) Revocation for Cause. This is the most severe form of disciplinary action which removes an individual from the practice of the profession and terminates the certification or licensure previously issued. The Board, in its discretion, may allow reinstatement of a revoked certificate, license or premises permit upon conditions and after a period of time it deems appropriate. No petition for reinstatement and no new application for certification, licensure, or premises permit from a person whose license or permit was revoked shall be considered prior to the expiration of at least one year unless otherwise stated in the Board's revocation order.
- (f) Conditions - These include any action deemed appropriate by the Board to be required of an individual disciplined during any period of probation or suspension or as a prerequisite to the lifting of probation or suspension or the reinstatement of a revoked license.
- (g) Civil penalty - A monetary disciplinary action assessed by the Board pursuant to paragraph (5) of this rule.
- (h) When the Board suspends a license and/or premises permit, the person may not practice veterinary medicine during the period of suspension and is also prohibited from doing the following:
  - 1. Direct assistance to another veterinarian in the veterinary treatment of any animal.
  - 2. Appear before animal owners in a laboratory coat, clinic smock or other garment which is customarily worn by practitioners when treating animals.
  - 3. Consultation with another practitioner concerning the treatment of the person's animal(s) in the presence of or within hearing of, any animal owner; provided, however, that he may discuss with a subsequent treating practitioner, out of the presence or hearing of any animal owner, prior diagnosis or pre-existing treatment plan and such subsequent treating practitioner's proposed treatment plan. However, the fact or substance of such discussion shall not be communicated or conveyed to an animal owner personally, or by another treating practitioner who presents it to the owner, as that person's judgment, diagnosis, treatment plan, or other professional determination.
  - 4. Personal acceptance of payment for veterinary services directly from an animal owner in the reception area of the office, clinic, or animal hospital.
- (i) Once ordered, probation, suspension, revocation, assessment of a civil penalty, or any other condition of any type of disciplinary action may not be lifted unless and until the licensee

(Rule 1730-2-.15, continued)

and/or premises owner petitions, pursuant to paragraph (3) of this rule, and appears before the Board after the period of initial probation, suspension, revocation, or other conditioning has run and all conditions placed on the probation, suspension, revocation, have been met, and after any civil penalties assessed have been paid.

- (3) Order of Compliance - This procedure is a necessary adjunct to previously issued disciplinary orders and is available only when a petitioner has completely complied with the provisions of a previously issued disciplinary order, including a veterinary facility civil penalty order regarding operation without a permit, and wishes or is required to obtain an order reflecting that compliance.

- (a) The Board will entertain petitions for an Order of Compliance as a supplement to a previously issued order upon strict compliance with the procedures set forth in subparagraph (b) in only the following three (3) circumstances:

1. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reflecting that compliance; or
2. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued lifting a previously ordered suspension or probation; or
3. When the petitioner can prove compliance with all the terms of the previously issued order and is seeking to have an order issued reinstating a premises permit previously revoked.

- (b) Procedures

1. The petitioner shall submit a Petition for Order of Compliance, as contained in subparagraph (c), to the Board's Administrative Office that shall contain all of the following:
  - (i) A copy of the previously issued order; and
  - (ii) A statement of which provision of subparagraph (a) the petitioner is relying upon as a basis for the requested order; and
  - (iii) A copy of all documents that prove compliance with all the terms or conditions of the previously issued order. If proof of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed statements from every individual the petitioner intends to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.
2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:
  - (i) Certify compliance and have the matter scheduled for presentation to the Board as an uncontested matter; or
  - (ii) Deny the petition, after consultation with legal staff, if compliance with all of the provisions of the previous order is not proven and notify the petitioner of what

(Rule 1730-2-.15, continued)

provisions remain to be fulfilled and/or what proof of compliance was either not sufficient or not submitted.

3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.
4. If the Board finds that the petitioner has complied with all the terms of the previous order an Order of Compliance shall be issued.
5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. § 4-5-223 and rule 1200-10-1-.11.

## (c) Form Petition

Petition for Order of Compliance  
Board of Veterinary Medical Examiners

Petitioner's Name: \_\_\_\_\_  
 Petitioner's Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Petitioner's E-Mail Address: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_

Attorney for Petitioner: \_\_\_\_\_  
 Attorney's Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Attorney's E-Mail Address: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_

The petitioner respectfully represents, as substantiated by the attached documentation, that all provisions of the attached disciplinary order have been complied with and I am respectfully requesting: (circle one)

1. An order issued reflecting that compliance; or
2. An order issued reflecting that compliance and lifting a previously ordered suspension or probation; or
3. An order issued reflecting that compliance and reinstating a license and/or premises permit previously revoked.

Note – You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show compliance is the testimony of any individual, including yourself, you must enclose signed statements from every individual you intend to rely upon attesting, under oath, to the compliance. The Board's consultant and administrative staff, in their discretion, may require such signed statements to be notarized. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.



(Rule 1730-2-.15, continued)

Respectfully submitted this the \_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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Petitioner's Signature

- (4) Order Modifications - This procedure is not intended to allow anyone under a previously issued disciplinary order, including a veterinary facility civil penalty order regarding operation without a permit, to modify any findings of fact, conclusions of law, or the reasons for the decision contained in the order. It is also not intended to allow a petition for a lesser disciplinary action, or civil penalty other than the one(s) previously ordered. All such provisions of Board orders were subject to reconsideration and appeal under the provisions of the Uniform Administrative Procedures Act (T.C.A. §§ 4-5-301, et seq.). This procedure is not available as a substitute for reconsideration and/or appeal and is only available after all reconsideration and appeal rights have been either exhausted or not timely pursued. It is also not available for those who have accepted and been issued a reprimand.
- (a) The Board will entertain petitions for modification of the disciplinary portion of previously issued orders upon strict compliance with the procedures set forth in subparagraph (b) only when the petitioner can prove that compliance with any one or more of the conditions or terms of the discipline previously ordered is impossible. For purposes of this rule the term "impossible" does not mean that compliance is inconvenient or impractical for personal, financial, scheduling or other reasons.
- (b) Procedures
1. The petitioner shall submit a written and signed Petition for Order Modification on the form contained in subparagraph (c) to the Board's Administrative Office that shall contain all of the following:
    - (i) A copy of the previously issued order; and
    - (ii) A statement of why the petitioner believes it is impossible to comply with the order as issued; and
    - (iii) A copy of all documents that proves that compliance is impossible. If proof of impossibility of compliance requires testimony of an individual(s), including that of the petitioner, the petitioner must submit signed and notarized statements from every individual the petitioner intends to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, the petition.
  2. The Board authorizes its consultant and administrative staff to make an initial determination on the petition and take one of the following actions:
    - (i) Certify impossibility of compliance and forward the petition to the Office of General Counsel for presentation to the Board as an uncontested matter; or
    - (ii) Deny the petition, after consultation with legal staff, if impossibility of compliance with the provisions of the previous order is not proven and notify the petitioner of what proof of impossibility of compliance was either not sufficient or not submitted.

(Rule 1730-2-.15, continued)

3. If the petition is presented to the Board the petitioner may not submit any additional documentation or testimony other than that contained in the petition as originally submitted.
4. If the petition is granted a new order shall be issued reflecting the modifications authorized by the Board that it deemed appropriate and necessary in relation to the violations found in the previous order.
5. If the petition is denied either initially by staff or after presentation to the Board and the petitioner believes impossibility of compliance with the order has been sufficiently proven the petitioner may, as authorized by law, file a petition for a declaratory order pursuant to the provisions of T.C.A. § 4-5-223 and rule 1200-10-1-.11.

## (c) Form Petition

Petition for Order Modification  
Board of Veterinary Medical Examiners

Petitioner's Name: \_\_\_\_\_  
 Petitioner's Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Petitioner's E-Mail Address: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Attorney for Petitioner: \_\_\_\_\_  
 Attorney's Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Attorney's E-Mail Address: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_  
 \_\_\_\_\_

The petitioner respectfully represents that for the following reasons, as substantiated by the attached documentation, the identified provisions of the attached disciplinary order are impossible for me to comply with:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Note – You must enclose all documents necessary to prove your request including a copy of the original order. If any of the proof you are relying upon to show impossibility is the testimony of any individual, including yourself, you must enclose signed and notarized statements from every individual you intend to rely upon attesting, under oath, to the reasons why compliance is impossible. No documentation or testimony other than that submitted will be considered in making an initial determination on, or a final order in response to, this petition.

Respectfully submitted this the \_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

(Rule 1730-2-.15, continued)

Petitioner's Signature

(5) Civil Penalties:

- (a) Purpose - The purpose of this rule is to set out a schedule designating the minimum and maximum civil penalties which may be assessed pursuant to Public Chapter 389, Acts of 1989.

(b) Schedule of Civil Penalties:

1. A Type A civil penalty may be imposed whenever the Board finds the person who is required to be licensed or certified by the Board is guilty of a willful and knowing violation of the Practice Act, or regulations pursuant thereto, to such an extent that there is, or is likely to be an imminent substantial threat to the health, safety and welfare of an individual patient or the public. For purposes of this section, a type A penalty shall include, but not be limited to, a person who willfully and knowingly is or was practicing as an veterinarian or operating a premises without a license or permit from the Board.
2. A Type B civil penalty may be imposed whenever the Board finds the person required to be licensed by the Board is guilty of a violation of the Veterinary Practice Act or regulations pursuant thereto in such manner as to impact directly on the care of patients or the public.
3. A Type C civil penalty may be imposed whenever the Board finds the person and/or premises required to be licensed, permitted, or authorized by the Board is guilty of a violation of the Veterinary Practice Act or regulations promulgated thereto, which are neither directly detrimental to patients or the public, nor directly impact their care, but have only an indirect relationship to patient care or the public.

(c) Amount of Civil Penalties:

1. Type A civil penalties shall be assessed in the amount of not less than \$500 nor more than \$1,000.
2. Type B civil penalties may be assessed in the amount of not less than \$100 and not more than \$500.
3. Type C civil penalties may be assessed in the amount of not less than \$50 and not more than \$100.

(d) Procedures for Assessing Civil Penalties:

1. The Division of Health Related Boards may initiate a civil penalty assessment by filing a Memorandum of Assessment of Civil Penalty. The Division shall state in the memorandum the facts and law upon which it relies in alleging a violation, the proposed amount of the civil penalty and the basis for such penalty. The Division may incorporate the Memorandum of Assessment of Civil Penalty with a Notice of Charges which may be issued attendant thereto.
2. Civil Penalties may also be initiated and assessed by the Board during consideration of any Notice of Charges. In addition, the Board may, upon good cause shown, assess type and amount of civil penalty which was not recommended by the Division.
3. In assessing the civil penalties pursuant to these rules the Board may consider the following factors:

(Rule 1730-2-.15, continued)

- (i) Whether the amount imposed will be a substantial economic deterrent to the violator;
  - (ii) The circumstances leading to the violation;
  - (iii) The severity of the violation and the risk of harm to the public;
  - (iv) The economic benefits gained by the violator as a result of non-compliance; and
  - (v) The interest of the public.
- 4. All proceedings for the assessment of civil penalties shall be governed by the contested case provisions of T.C.A. Title 4, Chapter 5.
- (6) Informal Settlements - The Board consultant is authorized to enter into informal settlement agreements pursuant to Rule 1045-2-19 under which a complaint against an individual may be closed without any disciplinary action. Any matter proposed for informal settlement must be subsequently ratified by the full board before it will become effective. Such agreement may include any terms deemed appropriate by the Board consultant including, but not limited to:
  - (a) Mandatory education program or course attendance;
  - (b) Submission of reports, records or other appropriate documentation;
  - (c) Conditioning of the individual's activities in any manner which affects his practice in Tennessee.
- (7) It is an offense to knowingly operate a veterinary facility in this state without a premises permit. A violation of this section is a Class B misdemeanor and each violation constitutes a separate offense.
- (8) It is unlawful for any licensed veterinarian to practice veterinary medicine as an employee of any person other than a veterinarian duly licensed in this state or a veterinary facility operated at all times under the direct medical supervision of a veterinarian duly licensed in this state:
  - (a) No person, corporation or other similar organization, public or private, for-profit or not-for-profit, other than a veterinarian duly licensed in this state, shall own or operate a veterinary facility within this state, except as follows:
    - 1. Any person, corporation or other similar organization, public or private, for-profit or not-for-profit, shall apply for and receive a premises permit before the commencement of operations at the veterinary facility; and
    - 2. The owner of the veterinary facility shall not restrict or interfere with medically appropriate veterinary diagnostic or treatment decisions by the licensed veterinarians employed at the veterinary facility.
  - (b) The following are exempt from this section:
    - 1. A veterinarian employed by a person, corporation or other similar organization, public or private, for-profit or not-for-profit, to treat such employer's animal(s);
    - 2. A veterinarian employed by an official agency of the federal or state government, or any subdivision thereof; and
    - 3. A veterinarian employed by any licensed research facility.

(Rule 1730-2-.15, continued)

- (9) Assessment of costs in disciplinary proceedings shall be as set forth in T.C.A. §§ 63-1-144 and 63-12-143.
- (10) Screening Panels - Any screening panel(s) established pursuant to T.C.A. § 63-1-138:
  - (a) Shall have concurrent authority with the Board and any individual appointed by the Board pursuant to Rule 1730-1-.19, to do the acts enumerated in Rule 1730-1-.19(1)(b) 1. and 2. subject to the conditions contained therein.
    - 1. A screening panel(s) comprised of two (2) or more persons shall elect a chairperson prior to convening to conduct business.
    - 2. A screening panel(s) comprised of two (2) or more persons is required to conduct the informal hearings authorized in subparagraph (b) immediately below.
  - (b) After completion of an investigation by the Division, may upon request of either the state, or the licensee and/or premises owner who is the subject of an investigation with the agreement of the state, or upon request of both the licensee and/or premises owner, and the state, conduct a non-binding informal hearing and make recommendations as a result thereof as to what, if any, terms of settlement of any potential disciplinary action are appropriate.
    - 1. Neither the Rules of Civil Procedure, the Rules of Mediation and Arbitration, the Rules of Evidence, or Contested Case Procedural Rules under the Administrative Procedures Act shall apply in informal hearings before the screening panel(s). However, Rule 31 of the Rules of the Tennessee Supreme Court may serve as general guidance as to the principles of mediation and alternative dispute resolution.
      - (i) Evidence may be presented or received in any manner and in whatever order agreed upon by the parties.
      - (ii) Prior to convening the panel and in the absence of an agreement of the parties, the screening panel chairperson shall determine the manner and order of presentation of evidence.
    - 2. Neither the state nor a licensee and or premises owner who is the subject of an investigation being considered by a screening panel can be compelled to participate in any informal hearing.
    - 3. Proposed settlements reached as a result of any informal hearing will not become binding and final unless they are:
      - (i) Approved by a majority of the members of the screening panel which issued them; and
      - (ii) Agreed to by both the Department of Health, by and through its attorney(s), and the licensee and/or premises owner; and
      - (iii) Subsequently presented to and ratified by the Board.
- (11) Reconsiderations and Stays. The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

(Rule 1730-2-.15, continued)

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-12-105, 63-12-106, 63-12-124, 63-12-128, and 63-12-139.

**Administrative History:** Original rule filed April 28, 1995; effective July 12, 1995. Amendment filed June 15, 1999; effective August 29, 1999. Amendment filed August 24, 2000; effective November 7, 2000. Amendment filed June 25, 2003; effective September 8, 2003. Amendment filed September 23, 2004; effective December 7, 2004. Amendment filed July 18, 2007; effective October 1, 2007.

#### **1730-2-.16 HOSPITALIZATION.**

- (1) Inpatients shall be examined at least once daily by facility personnel.
- (2) Where appropriate, hospitalized animals shall be fed and watered at least once daily, and more frequently if required.
- (3) Wards shall be orderly, free of bad odors, have adequate ventilation and temperature control.
- (4) Cages or kennels shall have solid partitions and have a method for securely fastening them closed.
- (5) Pens and stalls shall be clean, orderly, free of objectionable odors and have adequate ventilation.
- (6) Pens and stalls shall be well lighted and have a method for securely fastening them closed.

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-12-106, 63-12-129, and 63-12-139. **Administrative History:** Original rule filed August 18, 2003; effective November 1, 2003. Amendment filed June 24, 2004; effective September 7, 2004.

**1730-2-.17 PROVISIONS FOR NON-PROVIDED SERVICES.** If not provided, a list of the following services must be posted in a conspicuous place.

- (1) Radiology
- (2) Hospitalization
- (3) Surgery
- (4) Emergency Services

**Authority:** T.C.A. §§4-5-202, 4-5-204, 63-12-105, 63-12-106, 63-12-129, and 63-12-139. **Administrative History:** Original rule filed June 25, 2003; effective September 8, 2003. Amendment filed June 24, 2004; effective September 7, 2004.